

23-UTL.04-06/93-Modified D4

This instrument prepared  
under the direction of:  
Dawn Raduano, Esq. \_\_\_\_\_  
Legal Description prepared by:  
Louis Cefolia, P.S.M. (06-27-14)  
Document prepared by:  
Grace K. Abel (12-30-15)  
Department of Transportation  
Right of Way Production Services  
3400 W. Commercial Boulevard  
Ft. Lauderdale, Florida 33309

Parcel No. 126.4R(12-30-15)  
Item/Segment No. 2302566  
Section: 94003-2510  
Managing District: 04  
S.R. No. 713  
County: St. Lucie  
Parcel ID: 2312-331-0001-000-8

**SUBORDINATION OF CITY UTILITY INTERESTS**

THIS AGREEMENT entered into this \_\_\_\_\_ day of \_\_\_\_\_,  
201\_\_\_\_, by and between the STATE OF FLORIDA DEPARTMENT OF  
TRANSPORTATION, hereinafter called the FDOT, and the CITY OF FORT  
PIERCE, FLORIDA FOR THE USE AND BENEFIT OF THE FORT PIERCE UTILITIES  
AUTHORITY, hereinafter called the UTILITY.

**W I T N E S S E T H:**

WHEREAS, the UTILITY presently has an interest in certain lands  
that have been determined necessary for highway purposes; and

WHEREAS, the proposed use of these lands for highway purposes will  
require subordination of the interest claimed in such lands by the  
UTILITY to the FDOT; and

WHEREAS, the FDOT is willing to pay to have the UTILITY'S  
facilities relocated if necessary to prevent conflict between the  
facilities so that the benefits of each may be retained.

NOW, THEREFORE, in consideration of the mutual covenants and  
promises of the parties hereto, UTILITY and FDOT agree as follows:

UTILITY subordinates to the interest of FDOT its successors and  
assigns, any and all of its interest in the lands as follows, viz:

(More particularly described in the legal description and sketch  
attached hereto as Exhibit "A")

**RECORDED**

INSTRUMENT	DATE	FROM	TO	O.R.B. & PAGE
Easement	05/21/10	Kings Orange 95, LLC, a Michigan limited liability company	City of Fort Pierce, Florida for the use and benefit of the Fort Pierce Utilities Authority	3212/1399

PROVIDED that the UTILITY has the following rights:

1. The UTILITY shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon the lands described herein in accordance with the FDOT'S current minimum standards for such facilities as required by the FDOT, Utility Accommodation Manual in the effect at the time the agreement is executed. Any new construction or relocation of facilities within the lands will be subject to prior approval by the FDOT. Should the FDOT fail to approve any new construction or relocation of facilities by the UTILITY or require the UTILITY to alter, adjust, or relocate its facilities located within said lands, the FDOT hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to the cost of acquiring appropriate easements.
2. Notwithstanding any provisions set forth herein, the terms of the utility permits shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.
3. The UTILITY shall have a reasonable right to enter upon the lands described herein for the purposes outlined in Paragraph 1 above, including the right to trim such trees, brush, and growth which might endanger or interfere with such facilities, provided that such rights do not interfere with the operation and safety of the FDOT's facilities.
4. The UTILITY agrees to repair any damage to FDOT facilities and to indemnify the FDOT against any loss or damage resulting from the UTILITY exercising its rights outlined in Paragraphs 1 and 3 above; however the UTILITY does not wave its sovereign immunity.

IN WITNESS WHEREOF, the FDOT hereto has executed this agreement on the day and year first above written.

Signed, sealed and delivered  
in the presence of witnesses:

STATE OF FLORIDA DEPARTMENT  
OF TRANSPORTATION

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
Name: GERRY O'REILLY  
Title: District Secretary  
for District IV

\_\_\_\_\_  
Print Name: \_\_\_\_\_

Attorney approved as to form:

\_\_\_\_\_  
Name: DAWN RADUANO

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this \_\_\_\_\_  
day of \_\_\_\_\_, 201\_\_\_\_, by GERRY O'REILLY, District  
Secretary for District IV, who is personally known to me or who has  
produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Notary Public in and for the  
County and State last aforesaid.  
My Commission Expires: \_\_\_\_\_  
Serial No., if any: \_\_\_\_\_

IN WITNESS WHEREOF, the UTILITY has caused these presents to be executed in its name, and its Corporate Seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

ATTEST:

FORT PIERCE UTILITIES AUTHORITY

Daniel M. DeIulio  
DANIEL M. DEIULIO  
Secretary

By: Michael A. Perri, Jr.  
MICHAEL A. PERRI, JR.  
Chairman

Signed, sealed, and delivered in the presence of: (Two witnesses or Corporate Seal required by Florida Law)

Florinda Mazzarella

Clayton Lindstrom

Print Name: Florinda Mazzarella

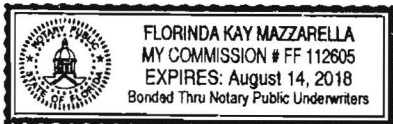
Print Name: Clayton Lindstrom

Approved as to Form and Correctness:

R.N. Koblergard, III For  
R.N. Koblergard, III, FPUA Attorney

STATE OF FLORIDA  
COUNTY OF ST. LUCIE

The foregoing instrument was acknowledged before me this 19 day of January, 2016, by MICHAEL A. PERRI, JR., CHAIRMAN of FORT PIERCE UTILITIES AUTHORITY, who is personally known to me.



Florinda Kay Mazzarella  
Florinda Kay Mazzarella  
Notary Public in and for the  
County and State last aforesaid

ATTEST: \_\_\_\_\_  
Linda Cox, City Clerk

CITY OF FORT PIERCE, a municipal corporation, for the use and benefit of FORT PIERCE UTILITIES AUTHORITY

(CITY SEAL)

By: \_\_\_\_\_  
LINDA HUDSON, MAYOR COMMISSIONER

Approved as to Form and Correctness:

By: \_\_\_\_\_  
Robert V. Schwerer, Esq., City Attorney

Exhibit "A"

Parcel No. 126

Item/Segment No. 2302566  
Section: 94003-2510

A portion of land lying in the Southwest One-Quarter (SW 1/4) of Section 12, Township 35 South, Range 39 East, St. Lucie County, Florida, as shown on the Florida Department of Transportation Right of Way Map for Item/Segment No. 2302566, Section 94003-2510 being more particularly described as follows:

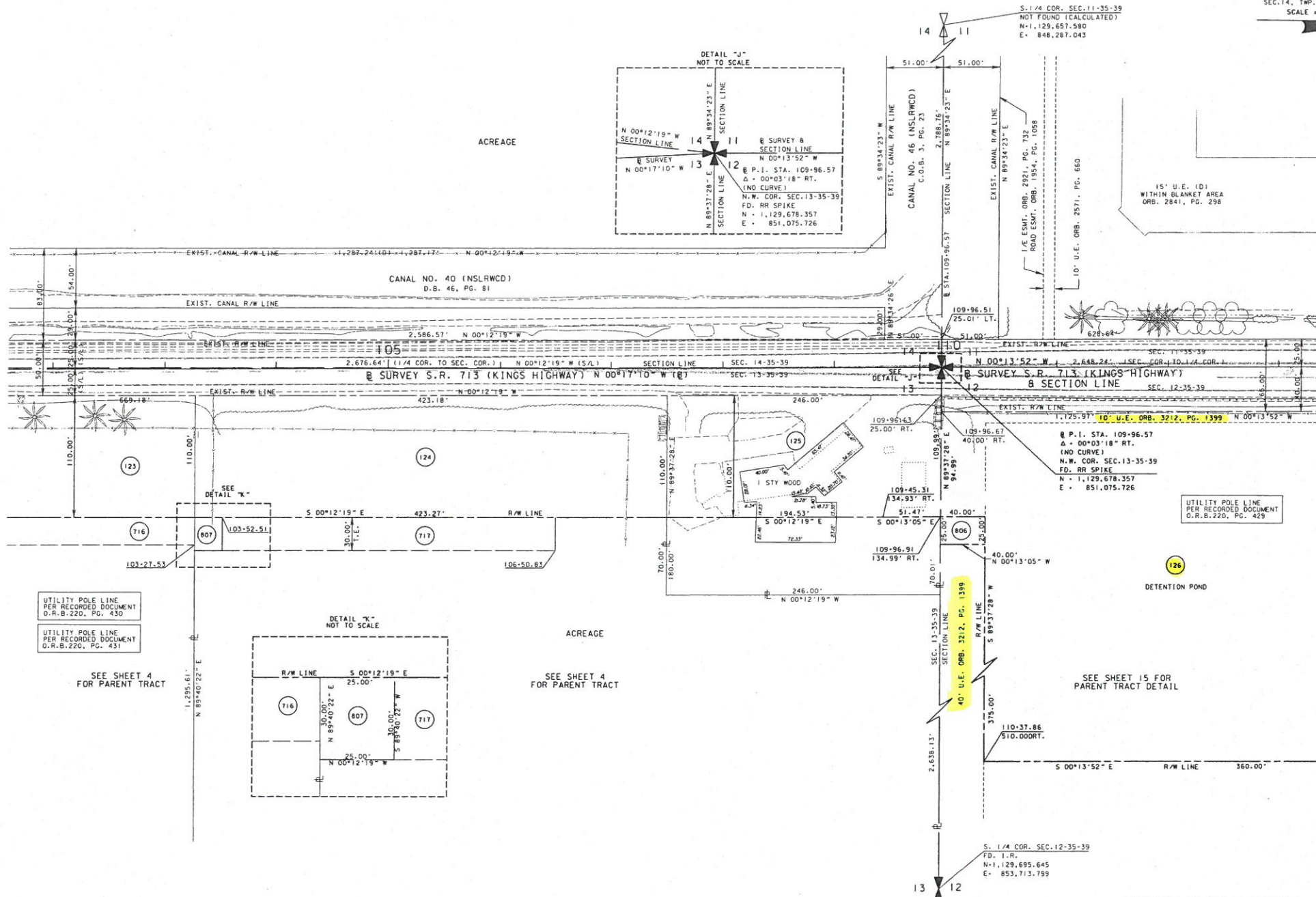
Commence at a railroad spike, found marking the Southwest corner of said Southwest One-Quarter (SW 1/4) of Section 12; thence North 89°37'28" East along the South line of said Southwest One-Quarter (SW 1/4) of Section 12, a distance of 40.00 feet to a point of intersection with the Easterly Existing Right of Way line of State Road No. 713 (Kings Highway), said point of intersection being the POINT OF BEGINNING; thence North 00°13'52" West along said Easterly Existing Right of Way line, a distance of 1,125.97 feet; thence North 89°46'08" East along said Existing Right of Way line, a distance of 47.50 feet; thence North 00°13'52" West along said Easterly Existing Right of Way line, a distance of 349.81 feet; thence North 90°00'00" East, a distance of 31.22 feet to the beginning of a non-tangent curve concave Westerly, having a chord bearing of South 01°32'02" East; thence Southerly along the arc of said curve, having a radius of 10,674.00 feet, through a central angle of 02°25'29", an arc distance of 451.74 feet to point of reverse curvature of a tangent curve concave Easterly, having a chord bearing of South 11°12'10" East; thence Southerly along the arc of said curve, having a radius of 221.50 feet, through a central angle of 21°45'46", an arc distance of 84.13 feet to the end of said curve; thence South 22°05'03" East, a distance of 159.71 feet to the beginning of a tangent curve concave Westerly, having a chord bearing of South 26°21'53" West; thence Southerly along the arc of said curve, having a radius of 103.50 feet, through a central angle of 96°53'53", an arc distance of 175.04 feet to the end of said curve; thence South 00°13'52" East along a line 95.00 feet East of and parallel with said Easterly Existing Right of Way line, a distance of 294.98 feet; thence North 89°37'28" East, a distance of 375.00 feet; thence South 00°13'52" East, a distance of 360.00 feet; thence South 89°37'28" West along said South line of the Southwest One-Quarter (SW 1/4), a distance of 470.00 feet to the POINT OF BEGINNING.

Containing 6.166 acres, more or less.

UNINCORPORATED ST. LUCIE COUNTY

SEC. 11, TWP. 35 S., RGE. 39 E.  
 SEC. 12, TWP. 35 S., RGE. 39 E.  
 SEC. 13, TWP. 35 S., RGE. 39 E.  
 SEC. 14, TWP. 35 S., RGE. 39 E.  
 SCALE: 1" = 40'

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SEE SHEET ONE FOR LEGEND AND GENERAL NOTES

UNINCORPORATED ST. LUCIE COUNTY

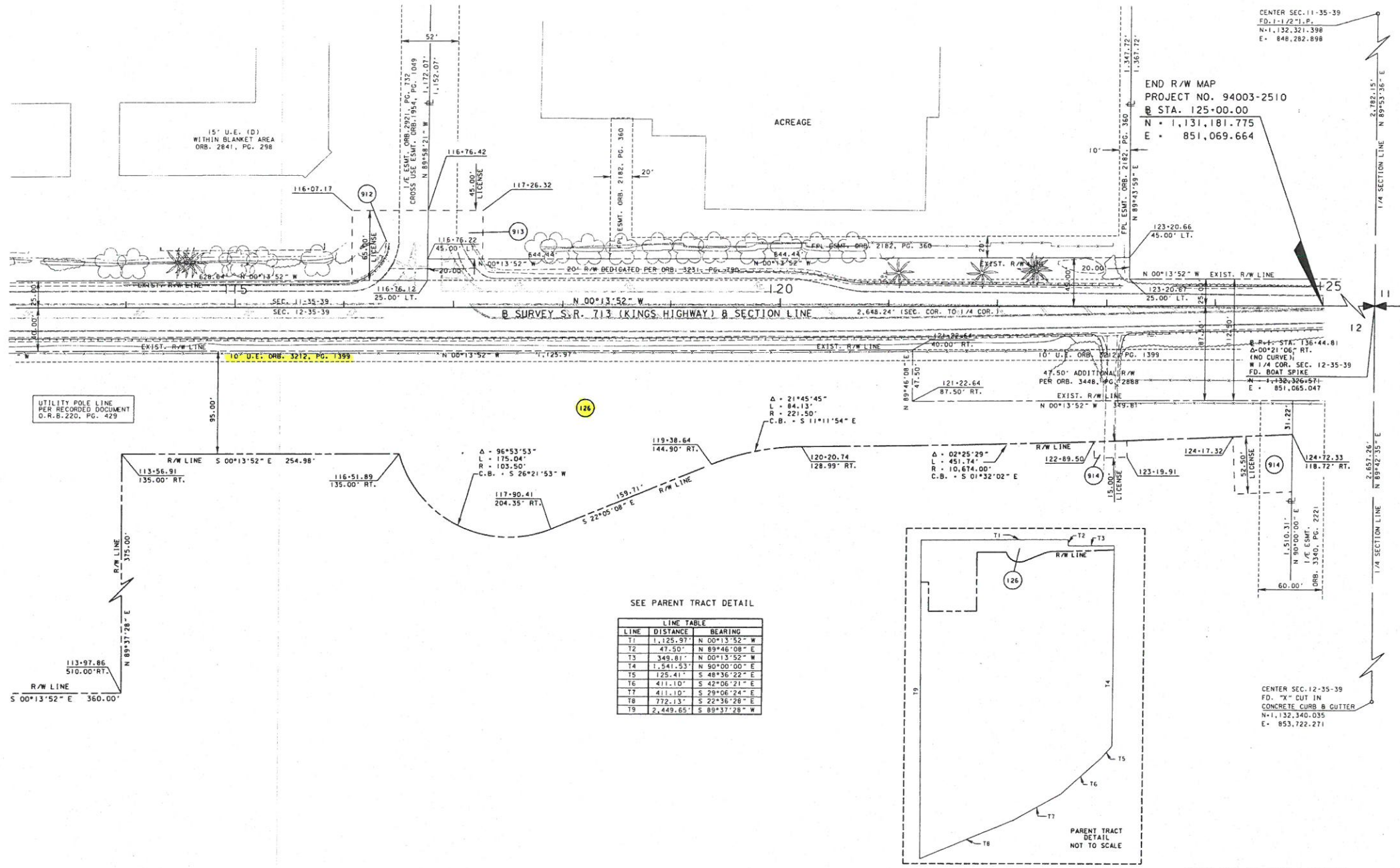
THIS MAP IS NOT A SURVEY  
 FROM S.R. 70 (KEECHOBEE ROAD) TO NORTH OF PICOS ROAD

RIGHT OF WAY MAP	FLORIDA DEPARTMENT OF TRANSPORTATION SURVEYING AND MAPPING	APPROVED BY: <i>[Signature]</i> DATE: 04/23/14	ADD PARCEL 806 SANCHEZ 10-30-14	BY: DATE:	FAP NO. 7079-005-U	SECTION 94003-2510	MAPS PREPARED BY: MANTHAM GROUP, INC. LB NO. 1055	DATA SOURCE: SEE COVER SHEET
		ADD PARCEL 807 SANCHEZ 03-20-12	ADD ORB 220, PG. 430 SANCHEZ 09-18-14	PH/ELN R. GRABOW 07/20/12				
		REVISION: P. 716, 717, 806	ADD ORB 220, PG. 431 SANCHEZ 09-18-14	FINAL T. OJTMAN 04/18/13	STATE ROAD NO. 713 (KINGS HIGHWAY)		ST. LUCIE COUNTY	
		REVISION:	ADD ORB 220, PG. 430 SANCHEZ 09-18-14	CHECKED J. EDGAR 04/28/14	ITEM/SEGMENT NO. 2302566		SHEET 14 OF 18	

UNINCORPORATED ST. LUCIE COUNTY

SEC. 11, TWP. 35 S., RGE. 39 E.  
 SEC. 12, TWP. 35 S., RGE. 39 E.  
 SCALE: 1" = 40'

CENTER SEC. 11-35-39  
 FD. 1-12-21-P  
 N = 1,32,321.398  
 E = 848,282.898

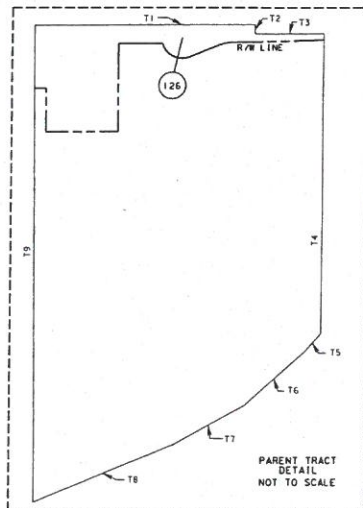


END R/W MAP  
 PROJECT NO. 94003-2510  
 STA. 125+00.00  
 N = 1,131,181.775  
 E = 851,069.664

UTILITY POLE LINE  
 PER RECORDED DOCUMENT  
 O.R.B. 220, PG. 429

SEE PARENT TRACT DETAIL

LINE	DISTANCE	BEARING
T1	1,125.97'	N 00°13'52" W
T2	47.50'	N 89°46'08" E
T3	349.81'	N 00°13'52" W
T4	1,541.53'	N 90°00'00" E
T5	125.41'	S 48°36'22" E
T6	411.10'	S 42°06'21" E
T7	411.10'	S 29°06'24" E
T8	772.13'	S 22°36'28" E
T9	2,449.65'	S 89°37'28" W



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UNINCORPORATED ST. LUCIE COUNTY

THIS MAP IS NOT A SURVEY

FROM S.R. 70 (OKEECHOBEE ROAD) TO NORTH OF PICOS ROAD

RIGHT OF WAY MAP	FLORIDA DEPARTMENT OF TRANSPORTATION SURVEYING AND MAPPING	APPROVED BY	DATE	BY	DATE	FAP NO. 7079-005-U	SECTION 94003-2510	MAPS PREPARED BY	DATA SOURCE
		<i>Jeffrey Scott</i>	06/25/14	R. GRABOW	07/20/12	STATE ROAD NO. 713 (KINGS HIGHWAY)	ST. LUCIE COUNTY	WANTMAN GROUP, INC.	SEE COVER SHEET
		DISTRICT SURVEYOR		T. DITTMAN	04/18/13			LE NO. 7055	SCALE: 1" = 40'
				CHECKED	J. EDGAR	04/08/14			ITEM/SEGMENT NO. 2302566
				REVISION					SHEET 15 OF 18